

C.M.P.No.16077 of 2016 in
C.M.A. No.SR42583 of 2016

T.RAJA, J.

This petition has been filed with unexplained delay of 78 days in filing C.M.A. No.SR42583 of 2016 against the judgment and decree dated 14.12.2015 made in M.C.O.P. No.149 of 2010 on the file of the Motor Accidents Claims Tribunal, (Subordinate Judge), Mannarkudi.

2.Learned counsel appearing for the petitioner would submit that after the decree was passed on 14.12.2015, the copy application was made ready on 23.12.2015 and the same was delivered only on 01.02.2016. He would further submit that there is some delay in convening Appeal Committee and after getting opinion from the Panel Advocate, the petitioner decided to file an appeal. In this process, the aforementioned delay of 78 days had occurred. According to the petitioner, since the said delay was neither willful nor wanton, no prejudice would be caused if it is condoned.

3.This Court is not able to see any merit or any sufficient cause to condone the delay. As it is well settled law that everyday's delay has to be explained and no such explanation has been given in the present case, this petition fails and the same is dismissed. Consequently, CMA No.SR42583/2016 stands rejected.

T.RAJA, J.

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4.The petitioner is directed to deposit the entire award amount to the credit of M.C.O.P. No.149 of 2010 on the file of the Motor Accidents Claims Tribunal, (Subordinate Judge), Mannarkudi, within a period of three weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the amount, by filing appropriate application before the Tribunal.

07.10.2016

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